

DECLARATION AND POWER OF ATTORNEY**(Attorney Docket No. 109.272.130)**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHODS FOR IMPROVING SECONDARY METABOLITE PRODUCTION IN FUNGI

the specification of which (check only one):

☐ is attached hereto.

☒ was filed as United States Patent Application

Serial No. 09/487,558

on January 19, 2000

and was amended

on _____

(if applicable)

☐ was filed as PCT Patent Application

Serial No. _____

on _____

and was amended under PCT Article 19

on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, Sections 1.56(a) and 1.56(b).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS
UNDER 35 U.S.C. §119(a)-(d) or 365(b):**

COUNTRY (if PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. §119(a)- (b) or 365(b) (YES/NO)
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I hereby claim the benefit under 35 U.S.C. §119(c) of any United States provisional patent application(s) listed below:

APPLICATION NUMBER	DATE OF FILING	STATUS: (PENDING OR ABANDONED)
60/160,587	October 20, 1999	pending

I hereby claim the benefit under Title 35, United States Code, § 120 or 365(c) of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120 or 365(c):**

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS: (PATENTED, PENDING OR ABANDONED)
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POWER OF ATTORNEY: As named inventors, we hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith

Wayne A. Keown	Reg. No. 33,923
Michael J. Bevilacqua	Reg. No. 31,091
James B. Lampert	Reg. No. 24,564
Wayne M. Kennard	Reg. No. 30,271
Hollie L. Baker	Reg. No. 31,321
Donald R. Steinberg	Reg. No. 37,241
Michael A. Diener	Reg. No. 37,122
Richard A. Goldenberg	Reg. No. 38,895
Peter M. Dichara	Reg. No. 38,005
Ann-Louise Kerner	Reg. No. 33,523
Colleen Superko	Reg. No. 39,850
Keum J. Park	Reg. No. 42,059
Jason A. Reyes	Reg. No. 41,513
Rajesh Vallabh	Reg. No. 35,761
Ayla A. Lari	Reg. No. 43,739
Janice M. Klunder	Reg. No. 41,121
Nancy Chiu	Reg. No. 43,545

Scott M. Alter
Edward D. Grieff
Henry N. Wixon

Reg. No. 32,879
Reg. No. 38,898
Reg. No. 32,073

the mailing address and telephone number of each of whom is HALE AND DORR LLP, 60 State Street, Boston, Massachusetts 02109 and (617) 526-6000, with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Send Correspondence To

Colleen Superko
Hale and Dorr LLP
60 State Street
Boston, MA 02109

Direct Telephone Calls To

Colleen Superko
(617) 526-6564

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first and joint inventor: Robert Busby

Inventor's signature Robert N. Busby Date 8/4/00

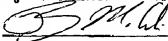
Country of Citizenship: United States of America

Residence: Weymouth, Massachusetts

Post Office Address: 84 Vine Street, Weymouth, Massachusetts 02188

Full name of second and joint inventor: Brian Cali

Inventor's signature



Date

8/4/00

Country of Citizenship: United States of AmericaResidence: Arlington, MassachusettsPost Office Address: 53 Orvis Road, #1, Arlington, Massachusetts 02474**Full name of third and joint inventor:**

Peter Hecht

Inventor's signature



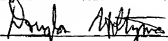
Date

8/4/00

Country of Citizenship: United States of AmericaResidence: Newton, MassachusettsPost Office Address: 17 Duffield Road, Newton, Massachusetts 02466**Full name of fourth and joint inventor:**

Doug Holtzman

Inventor's signature



Date

8/4/00

Country of Citizenship: United States of AmericaResidence: Jamaica Plain, MassachusettsPost Office Address: 821 Centre Street #6, Jamaica Plain, Massachusetts 02130

Full name of fifth and joint inventor:	Kevin Madden
Inventor's signature	<u>Kevin T. Madden</u> Date <u>8/4/00</u>
Country of Citizenship:	<u>United States of America</u>
Residence:	<u>Charlestown, Massachusetts</u>
Post Office Address:	<u>40 Chestnut Street, Charlestown, Massachusetts 02129</u>

Full name of sixth and joint inventor:	Mary Maxon
Inventor's signature	<u>Mary Maxon</u> Date <u>8/4/00</u>
Country of Citizenship:	<u>United States of America</u>
Residence:	<u>Somerville, Massachusetts</u>
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Full name of seventh and joint inventor:	Todd Milne
Inventor's signature	<u>Todd Milne</u> Date <u>8/7/00</u>
Country of Citizenship:	<u>United States of America</u>
Residence:	<u>Brookline, Massachusetts</u>
Post Office Address:	<u>169 Mason Terrace, Brookline, Massachusetts 02446</u>

Full name of eighth and joint inventor:

Thea Norman

Inventor's signature

Thea C. Norman Date 8/4/00Country of Citizenship: United States of AmericaResidence: Belmont, MassachusettsPost Office Address: 26 Marion Road, Belmont, Massachusetts 02478

Full name of ninth and joint inventor:

John Royer

Inventor's signature

John Royer Date 8-4-00Country of Citizenship: United States of AmericaResidence: Lexington, MassachusettsPost Office Address: 16 Demar Road, Lexington, Massachusetts 02420

Full name of tenth and joint inventor:

Sofie Salama

Inventor's signature

Sofie Salama Date 8/4/00Country of Citizenship: United States of AmericaResidence: Boston, MassachusettsPost Office Address: 696 Tremont Street, #2, Boston, Massachusetts 02118

Full name of eleventh and joint inventor:	Amir Sherman
Inventor's signature	<u>A. Sherman</u> Date <u>08/04/00</u>
Country of Citizenship:	<u>Israel</u>
Residence:	<u>Boston, Massachusetts</u>
Post Office Address:	<u>3 Joy Street, Apt. 10, Boston, Massachusetts 02108</u>

Full name of twelfth and joint inventor:	Jeff Silva
Inventor's signature	<u>Jeff Silva</u> Date <u>8/4/00</u>
Country of Citizenship:	<u>United States of America</u>
Residence:	<u>Beverly, Massachusetts</u>
Post Office Address:	<u>95 Hale Street, Beverly, Massachusetts 01915</u>

Full name of thirteenth and joint inventor:	Eric Summers
Inventor's signature	<u>Eric Summers</u> Date <u>8/4/00</u>
Country of Citizenship:	<u>United States of America</u>
Residence:	<u>Brookline, Massachusetts</u>
Post Office Address:	<u>204 Summit Avenue, Brookline, Massachusetts 02446</u>

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Applicant(s): Robert Busby et al.
Application No.: 09/487,558
Filed: January 19, 2000
For: METHODS FOR IMPROVING SECONDARY METABOLITE
PRODUCTION IN FUNGI

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the
concern identified below:

NAME OF CONCERN: Microbia, Inc.
ADDRESS OF CONCERN: One Kendall Square, Bldg. 1400W
Cambridge, Massachusetts 02139

I hereby declare that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR Part 121, and reproduced in 37 CFR 1.9 (d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "METHODS FOR IMPROVING SECONDARY METABOLITE PRODUCTION IN FUNGI" by inventor(s)
Robert Busby et al. described in

- ☐ the specification filed herewith
☒ application serial no. 09/487,558, filed January 19, 2000
☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

TITLE OF PERSON OTHER THAN OWNER

ADDRESS OF PERSON SIGNING

Sarah Cabot

Vice President, Legal Affairs

Cambridge, Massachusetts

SIGNATURE _____

DATE July 6, 2000